

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1402

UDO OGONNAYA IJOMAH,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A72-027-600)

Submitted: January 26, 2005

Decided: February 10, 2005

Before MICHAEL, MOTZ, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Kele Onyejekwe, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, David V. Bernal, Assistant Director, Jamie M. Dowd, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Udo Ogonnaya Ijomah, a native and citizen of Nigeria, petitions for review of an order of the Board of Immigration Appeals ("Board") affirming, without opinion, the immigration judge's order denying her motion to reopen deportation proceedings. We have reviewed the record and the immigration judge's order and find that the immigration judge did not abuse her discretion in denying Ijomah's motion to reopen. See INS v. Doherty, 502 U.S. 314, 323-24 (1992). We find that Ijomah's motion to reopen was untimely filed, see 8 C.F.R. § 3.23(b)(1) (2001), and that Ijomah failed to qualify for any of the exceptions to the timeliness requirement.

Additionally, to the extent that Ijomah claims that the Board's use of the summary affirmance procedure as set forth in 8 C.F.R. § 1003.1(e)(4) (2004) violated her rights under the Due Process Clause, we find that this claim is squarely foreclosed by our decision in Blanco de Belbruno v. Ashcroft, 362 F.3d 272 (4th Cir. 2004). We further find that summary affirmance was appropriate in this case under the factors set forth in § 1003.1(e)(4).

Accordingly, we deny the petition for review. We also deny Ijomah's motion for summary reversal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED